

Zoning Text Amendment No: 07-12
Concerning: Accessory building standards
Draft No. & Date: 2 – 7/16/07
Introduced: July 31, 2007
Public Hearing:
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Ervin and Council President Praisner

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- authorize the Board of Appeals to decide petitions to increase the size of accessory structures in one-family residential zones; and
- generally amend the standards for accessory structures in one-family residential zones.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 59-A-4.	“County Board of Appeals.”
Sec. 59-A-4.1.	“Authority and powers.”
Division 59-C-1.	“Residential Zones, One-Family.”
Sec. 59-C-1.3.	“Standard development.”

EXPLANATION: ***Boldface*** indicates a heading or a defined term.

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * ** indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Division 59-A-4 is amended as follows:**

2 **DIVISION 59-A-4. COUNTY BOARD OF APPEALS.**

3 **59-A-4.1. Authority and powers.**

4 **59-A-4.11. Authority.**

5 The County Board of Appeals may hear and decide the following matters as
6 provided in Section 2-112:

- 7 (a) Petitions for special exceptions, subject to articles 59-G-1 and 59-G-2.
- 8 (b) Petitions for variances from the strict application of this chapter, as
9 provided in article 59-G-3.
- 10 (c) Appeals from any refusal to issue a building or use-and-occupancy
11 permit, or from any order or decision of the Department or the
12 Commission, [when passing upon] regarding an application for a
13 building or other permit, or by any other officer or body, under this
14 chapter.
- 15 (d) Appeals in regard to property affected by the master plan of highways.
- 16 (e) Petitions concerning public nuisances as specified in section 59-A-5.7.
- 17 (f) Petitions for an increase in the proportion of guest rooms to more than
18 20 percent, but not more than 45 percent of the total units in apartment
19 hotels, under the hotel-motel special exception.
- 20 (g) Petitions for an increase in the size of an accessory building under
21 Section 59-C-1.31(g) and Section 59-C-9.3(j).
- 22 (h)[(g)] Appeals from an action or decision of the Sign Review Board under
23 Section 59-F-10.2.
- 24 (i)[(h)] Appeals from the issuance, revocation, suspension, or refusal to
25 renew a sign installer license under Section 59-F-9.2.

26 * * *

Sec. 2. Division 59-C-1 is amended as follows:

DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.

* * *

59-C-1.3. Standard development.

The procedure for approval is [as set forth] specified in Chapter 50[, title "Subdivision of Land," of the Montgomery County Code, as amended].

59-C-1.31. Land uses.

* * *

	RE- 2	RE- 2C	RE- 1	R- 200	R- 150	R- 90	R- 60	R- 40	R-4 plex	RMH 200
(g) Miscellaneous.										
Accessory buildings or structures for housing animals or fowl.	P	P	P	P	P	P	P			
Accessory buildings and uses. ⁵²	P	P	P	P	P	P	P	P	P	P

* * *

⁵² Except for a building accessory to an agricultural use, the footprint of an accessory building on a lot where the main building is a one-family detached residential dwelling must not exceed 50 percent of the footprint of the main building. However, the Board of Appeals may approve by resolution, after a public hearing, an increase in the area of an accessory building which does not exceed 75 percent of the floor area of the main building if the Board finds: (1) the floor area and footprint of the accessory building is in harmony with the character of the neighborhood; (2) the floor area and footprint of the accessory building complements the character of the main building; and (3) the accessory building is not detrimental to the use and enjoyment of surrounding properties. Any accessory building for which a building permit was issued before July 11, 2006 may continue as a conforming building under the standards in effect [at the time] when the building permit was issued; however, [in the event] if a building permit that

was issued before July 11, 2006 is revoked, but [subsequently] later approved, the accessory building must [be in compliance] comply with the standards in effect at the time of the [subsequent] later approval. Any replacement or reconstruction of an accessory building constructed under a building permit issued before July 11, 2006 must comply with the standards in effect [at the time] when the building is replaced or reconstructed.

Sec. 3. Division 59-C-9 is amended as follows:

DIVISION 59-C-9. AGRICULTURAL ZONES.

* * *

59-C-9.3. Land uses.

	Rural	RC	LDRC	RDT	RS	RNC	RNC/TDR
(j) Miscellaneous:							
Accessory buildings and uses. ⁴⁷	P	P	P	P	P	P	P

* * *

⁴⁷ Except for a building accessory to an agricultural use, the footprint of an accessory building on a lot where the main building is a one-family detached residential dwelling must not exceed 50 percent of the footprint of the main building. However, the Board of Appeals may approve by resolution, after a public hearing, an increase in the area of an accessory building which does not exceed 75 percent of the floor area of the main building if the Board finds: (1) the floor area and footprint of the accessory building is in harmony with the character of the neighborhood; (2) the floor area and footprint of the accessory building complements the character of the main building; and (3) the accessory building is not detrimental to the use and enjoyment of surrounding properties. Any accessory building for which a building permit was issued before July 11, 2006 may continue as a conforming building under the standards in effect [at the time] when the building permit was issued; however, [in the event] if a building permit that was issued before July 11, 2006 is

75 revoked, but [subsequently] later approved, the accessory building must [be in
76 compliance] comply with the standards in effect at the time of the [subsequent]
77 later approval. Any replacement or reconstruction of an accessory building
78 constructed under a building permit issued before July 11, 2006 must comply
79 with the standards in effect [at the time] when the building is replaced or
80 reconstructed.

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82 **Sec. 4. Effective date.** This ordinance takes effect 20 days after the date of
83 Council adoption.

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85 This is a correct copy of Council action.

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90 Linda M. Lauer, Clerk of the Council

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